

<b>In re:</b>	:	
	:	<b>Case No.: 16-02033</b>
<b>Diane Jean Banner</b>	:	<b>Chapter 13</b>
	:	<b>Judge Henry W. Van Eck</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>U.S. Bank National Association, as</b>	:	<b>Date and Time of Hearing</b>
<b>Trustee for Structured Asset Investment</b>	:	<b>Place of Hearing</b>
<b>Loan Trust Mortgage Pass-Through</b>	:	<b>January 23, 2018 at 09:30 a.m.</b>
<b>Certificates, Series 2006-4</b>	:	
	:	<b>Ronald Reagan Federal Building</b>
<b>vs</b>	:	<b>228 Walnut Street Rm 320</b>
	:	<b>Harrisburg, PA, 17101</b>
<b>Diane Jean Banner</b>	:	
	:	
<b>Charles J. DeHart III</b>	:	
<b>Respondents.</b>	:	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITH 30 DAY WAIVER**

AND NOW, comes U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 ("Creditor"), by and through its attorneys Manley Deas Kochalski LLC, files this Motion for Relief from the Automatic Stay with 30 day waiver, pursuant to Bankruptcy Code §§ 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362, averring as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.

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3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Diane Jean Banner ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on May 11, 2016, ("Petition").

5. The Debtor is currently obligated to U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4, under the terms of a certain Note, dated March 3, 2006, in the original principal amount of \$113,050.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, in favor of U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4, with respect to certain real property owned by the Debtor located at 3016 Anthony Highway, Chambersburg, PA 17201 NKA 3016 Anthony Highway, Chambersburg, PA 17202 (hereinafter "Mortgaged Premises") and being recorded in Franklin County Recordings Office at Mortgage Book Volume 3070, Page 139 on March 10, 2006 in Office of the Recorder of Deeds in and for Franklin County, Pennsylvania ("Mortgage").

7. The terms of the Debt Agreement were amended by a loan modification agreement entered into by and between America's Servicing Company and Debtor(s) Diane Jean Banner dated September 21, 2010 (the "Loan Modification Agreement").

8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

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9. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

10. Creditor holds the first position mortgage lien on the Mortgaged Premises.

11. Per Debtor's Schedule D, there are no junior liens.

12. Debtor's Chapter 13 Plan ("Plan") provides for the payment of the prepetition arrearages owed to Movant through the Plan and the regular monthly mortgage payments to U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 outside the Plan.

13. Debtor has failed to make post-petition mortgage payments for the past 3 months.

14. As of December 18, 2017, the unpaid principal balance and the amount past due to U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 in post-petition arrearages are \$91,918.88 and \$2,238.00, respectively.

15. Debtor's account is pre-petition delinquent as set forth in the Proof of Claim filed on July 19, 2016, Claim 2-1.

16. As of December 18, 2017, Debtor's account is post-petition delinquent as follows:

a. 10/01/2017 – 12/01/2017 in the amount of \$746.00 per month.

17. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

18. Creditor filed a foreclosure action associated with the Mortgaged Premises on December 7, 2015, but the action has been stayed in accordance with the Bankruptcy Code.

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19. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 in the Mortgaged Premises, pursuant to Section 362(d)(1), because U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 lacks adequate protection of its security interest in the Mortgaged Premises and pursuant to 362(d)(2), because Debtors lacks equity in the Mortgaged Premises and it is not necessary for an effective reorganization.

WHEREFORE, U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 respectfully requests this Honorable Court to enter and order terminating the Automatic Stay as it affects the interest of U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-4 in the Mortgaged Premises of the Debtors specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 16-02033</b>
<b>Diane Jean Banner</b>	:	<b>Chapter 13</b>
	:	<b>Judge Henry W. Van Eck</b>
<b>Debtor(s)</b>	:	<b>*****</b>
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<b>U.S. Bank National Association, as</b>	:	<b>Date and Time of Hearing</b>
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<b>Movant,</b>	:	<b>Ronald Reagan Federal Building</b>
<b>vs</b>	:	<b>228 Walnut Street Rm 320</b>
	:	<b>Harrisburg, PA, 17101</b>
<b>Diane Jean Banner</b>	:	
	:	
<b>Charles J. DeHart III</b>		
<b>Respondents.</b>		

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay with 30 day waiver was served on the parties listed below via e-mail notification:

United States Trustee, 228 Walnut Street, Suite 1190, Harrisburg, PA 17101

Charles J. DeHart III, Chapter 13 Trustee, 8125 Adams Drive, Suite A, Hummelstown, PA 17036

Kevin Matthew Taccino, Attorney for Diane Jean Banner, 25 Penncraft Avenue, Suite 310, Chambersburg, PA 17201, sthlaw-kmt@pa.net

The below listed parties were served via regular U.S. Mail, postage prepaid, on December 21, 2017:

Diane Jean Banner, 2982 Anthony Highway, Chambersburg, PA 17202

Diane Jean Banner, 3016 Anthony Highway, Chambersburg, PA 17201 NKA 3016 Anthony Highway, Chambersburg, PA 17202

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DATE: 12/21/17

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is [kvelter@manleydeas.com](mailto:kvelter@manleydeas.com)